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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,148	08/22/2001	Srinivas Gutta	US010410	3373

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

CATHEY II, PATRICK H

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,148

Applicant(s)

GUTTA ET AL.

Examiner

Patrick H. Cathey II

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim's 1-4 and 10-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Cook (US 5,895,453).

As for Claim's 1, 2, 10, 13, 16, 19 and 20, Cook teaches establishing a rule defining a fraudulent event where the rule include at least one condition (Column 5, line 45 to Column 6, line 29), obtaining at least one image of the retail location (Column 18, lines 65-67), analyzing the image using video content analysis techniques to identify at least one predetermined feature in the image associated with the fraudulent event (Column 13, lines 16-35), and performing a defined action if the rule is satisfied (Column 6, lines 30-39).

As for Claim's 3, 11, 14 and 17, Cook teaches where the fraudulent event is a person stealing an item (Column 6, lines 9-11).

As for Claim's 4, 12, 15 and 18, Cook teaches where the fraudulent event is a person attempting to return an item without a receipt (Column 9, lines 26-31; See also Figure 12).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim's 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook in view lizaka (US 6,654,047).

As for Claim's 5-7, Cook teaches where a person attempts to return an item without a receipt but fails to teach where the person has not previously been detected in the retail location, has been detected in an area of the retail location where the item is stocked or was not carrying the item when the person entered the retail location, but lizaka does. lizaka teaches past visit information that shows when and how often a person visits a retail store location (Column 9, lines 41-53; See also Figures 14A and 14B), Figures 14A and 14B also show in the column labeled D2 which camera picked the person up showing whether the person has been in the location where the item was stocked and finally lizaka teaches cameras 5A and 5B that detect the entrance and exit showing whether the person entered the retail location with the item being returned. Since using cameras is only one method to further identify whether a person is truly returning an item they purchased in addition to other methods such as using computer equipment to track certain items bought by certain individuals, it would have been obvious to one of ordinary skill to use cameras with certain rules to identify falsely returned items because mostly all retail locations already have cameras in their stores.

As for Claim's 8 and 9, Cook fails to teach where the processing step further comprises the step of performing a face recognition and feature extraction analysis on the image, but Iizaka does (Column 5, lines 33-43). Since using cameras is again only one method to further identify whether a person is truly returning an item they purchased in addition to other methods such as using computer equipment to track certain items bought by certain individuals that would be identified at the register, it would have been obvious to one of ordinary skill to use cameras in order to detect and identify the person prior to the individual approaching the register because mostly all retail locations already have cameras in their stores.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references not used in the above rejections were included because they teach additional information on video surveillance equipment used to detect fraudulent events.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick H. Cathey II whose telephone number is (703) 305-4909. The examiner can normally be reached on M-F 7:30 to 5:00 (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (703) 503-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick H. Cathey II
Examiner
Art Unit 2613

PHC


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 260